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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,722	02/28/2002	Paul Andrew Abraham	833.0168USQ	2418
7590	03/25/2004		EXAMINER	
CHARLES N.J. RUGGIERO, ESQ. OHLANDT, GREELEY, RUGGIERO & PERLE, L.L.P. 10th Floor ONE LANDMARK SQUARE STAMFORD, CT 06901-2682			PETERSON, KENNETH E	
			ART UNIT	PAPER NUMBER
			3724	12
DATE MAILED: 03/25/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/085,722	ABRAHAM ET AL.
Examiner	Art Unit	
Kenneth E Peterson	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1)  Responsive to communication(s) filed on 24 November 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

- 4)  Claim(s) 1-8, 10 and 14-32 is/are pending in the application.  
4a) Of the above claim(s) 8, 10 and 19-32 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-7, 14-18 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

Art Unit: 3724

1. Applicant has amended claim 21 so that it now reads on non-elected species B

(figure 4). Accordingly, claim 21 along with dependent claims 26-29 are hereby withdrawn from consideration.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by

Yamada, who shows a razor head having two arms (3a,3b) with means (16) for placing the razor head in different predetermined positions.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Yamada in view of Hendrickson.

Yamada, as set forth above, shows a razor with all of the recited limitations except the gears and push button release mechanism. However, Hendrickson shows that it is well known for razor angle adjustment connectors to comprise two gears

(14,24) and a push button release mechanism (32). Hendrickson's push button (32) is a resilient element that could be pressed to disengage one gear from the other.

It would have been obvious to one of ordinary skill in the art to have modified Yamada by replacing each of his connections with the connection of Hendrickson, since it has been held to be obvious to substitute equivalents known for the same purpose (see MPEP 2144.06).

6. Claims 1-4,7 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleinman in view of Yamada and/or Parkin.

Kleinman shows a razor with most of the recited limitations including a moving toothed blade (26) and a stationary toothed blade (18), a handle (5) having two legs and connectors (21,18) to lock the razor head at a selected pivotal location.

Kleinman's selected pivotal locations are not predetermined. However, such is well known as shown by Yamada (16) and/or Parkin (figures 3-6). It would have been obvious to one of ordinary skill in the art to have replaced Kleinman's arm-head connections with those of Yamada or Parkin, in order to be able to set the razor head at a predetermined position for more comfortable shaving.

7. Claims 1-7 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleinman in view of Hendrickson, or alternately Kleinman in view of Yamada and/or Parkin and further in view of Hendrickson.

Kleinman, as modified by Yamada or Parkin or not, shows a razor with all of the

recited limitations except the push button release mechanism for releasing two gear connectors. However, Hendrickson shows that it is well known for razor angle adjustment connectors to comprise two gears (14,24) and a push button release mechanism (32). Hendrickson's push button (32) is a resilient element that could be pressed to disengage one gear from the other. It would have been obvious to one of ordinary skill in the art to have modified Kleinman by replacing each of his connections with the connection of Hendrickson, in order to be able to set the razor head at a predetermined position, and since it has been held to be obvious to substitute equivalents known for the same purpose (see MPEP 2144.06).

8. Applicant's arguments have been fully considered but they are not persuasive.

Applicant argues that neither Yamada nor Kleinman show the pivot axis being offset from the cutting assembly (claim 1) nor do they show the pivot axis being offset from the cutting edge (claim 14). This argument is not understood, since both Yamada and Kleinman appear to have a cutting assembly or cutting edge that is offset from the pivot axis in the same fashion that Applicant's is.

Looking at Applicant's figure 3, element 50 is the clipper head. Elements 55,57,60 are taken to be the "cutting assembly" (alltho the spec does not label it so for the species of figure 3). Likewise, Yamada shows a clipper head (6) and cutting assembly (4) that is offset from the pivot axis. Also likewise, Kleinman shows a clipper head (figure 15) with a cutting assembly (upper cutting portion of figure 15) that is offset from the pivot axis (at 18").

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Peterson whose telephone number is 703-308-2186. The examiner can normally be reached on Monday thru Thursday between 7am and 4pm.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9306. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.

kp

March 22, 2004

  
KENNETH E. PETERSON  
PRIMARY EXAMINER